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## MEMO ENDORSED

April 21, 2008

BY HAND

Honorable Kevin Nathaniel Fox  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Chandler v. City of New York, et al., 07 CV 10412 (PAC)(KNF)

Dear Magistrate Judge Fox:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendants the City of New York ("City"), the New York City Police Department ("NYPD") and Police Officer Patricia Lezcano in the above-referenced matter.<sup>1</sup> I am writing to respectfully request a sixty-day enlargement of time, from April 21, 2008 until June 23, 2008, within which defendants City, NYPD, and Lezcano may answer or otherwise respond to the amended complaint. I write directly to the Court because plaintiff is currently incarcerated and proceeding pro se in this matter. This is defendants City, NYPD and Lezcano's first request for an enlargement of time in this action.

The amended complaint alleges, inter alia, that plaintiff was subjected to excessive force. In addition to defendants City, NYPD and Lezcano, the amended complaint purports to name "Police Officer, Cynthia Rosario, Sh#20736"; "Police Officer, Joseph Gallagher, Sh#10008"; "Police Officer, Jose Morales, Sh#17015"; "Police Officer Mike Bannano, Midtown South"; "Police Sergeant, Robert Rehill, Midtown South"; "Kevin Alston, Champs Dept. Store Employee"; "Carlos Doe, Head of Security Champs Dept. Store"; "Leo Doe, Champs Dept. Store Clerk and their employees, agents, servants, in their official and unofficial capacities".<sup>2</sup> Before this office can respond to the amended complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

<sup>1</sup> Defendants respectfully submit that NYPD is not a suable entity.


<sup>2</sup> On information and belief, these individuals have not yet been served with a copy of the summons and amended complaint in this action.

Moreover, the enlargement of time will allow us to ascertain whether Officers Rosario, Gallagher, Morales, Bannano and Sergeant Rehill have been properly served. If proper service has been effectuated then, pursuant to § 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individual defendants. The individual defendants must then decide whether they wish to be represented by this office. If so, we must obtain their written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending defendants City, NYPD and Officer Lezcano's time to answer or otherwise respond to the amended complaint until June 23, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,

  
Bradford C. Patrick  
Assistant Corporation Counsel  
Special Federal Litigation Division

*4/22/08*  
*The above-noted*  
*defendants shall respond to the amended*  
*complaint on or before June 6, 2008.*

*SO ORDERED:*  
*Kevin Nathaniel Fox*  
KEVIN NATHANIEL FOX, U.S.M.J.

CC: BY MAIL  
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